

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
NATIONAL UTILITY SERVICE, INC., : Case No.: 07 CV 3345
: (RJS)(GWG)
Plaintiff, :
:
-against- :
TIFFANY & CO. and TIFFANY AND : NOTICE OF CROSS MOTION
COMPANY, : FOR SUMMARY JUDGMENT
:
Defendants. :
:
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PLEASE TAKE NOTICE that upon the Affidavit of Arnold Frankel, sworn to on September 4, 2008, and the accompanying exhibits, the Affidavit of David M. Brown, sworn to on September 4, 2008, and the accompanying exhibits, the Declaration of Peter G. Goodman, dated September 4, 2008, together with the exhibits thereto, the Statement of Material Facts Pursuant to Local Rule 56.1, the accompanying Memorandum of Law, and the pleadings and all prior proceedings had herein, the undersigned will cross-move this Court before the Honorable Richard J. Sullivan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be designated by the Court, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment in favor of Plaintiff National Utility Service, Inc. and against Defendants Tiffany & Co. and Tiffany and Company, on the First Claim for Relief and Fourth Claim for Relief set forth in the Complaint, together with such other and further relief as the Court may deem just and proper.

Dated: New York, New York
September 4, 2008

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